



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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**Approved Planning Board Minutes
Wednesday, September 16, 2015
7:00pm @ Community Development Department**

Alan Carpenter	Chairman	Present	Joel Desilets	Selectman	Excused
Paul Gosselin	Vice Chair	Present	Ross McLeod	Alternate/Selectman	Excused
Kristi St. Laurent	Member	Present	Matt Rounds	Alternate	Excused
Ruth-Ellen Post	Member	Present/excused at 8:30pm	Gabe Toubia	Alternate	Present/seated for Ms. Crisler at 8:30pm
Margaret Crisler	Member	Present/excused at 8:30pm	David Oliver	Alternate	Excused
Dan Guttman	Member	Present	Kathleen Difruscia	Alternate	Present/seated for Ms. Post at 8:30pm

Staff:

Elizabeth Wood, Community Planner
Suzanne Whiteford, Minute Taker

Chairman Carpenter Called the meeting to Order, followed by Board and staff attendance and The Pledge of Allegiance.

Continued from 9/2/15

Case#2014-33/Highclere Open Space & Standard Subdivision/WWPD Special Permit

A Final Application for an Open Space Subdivision, Standard Subdivision, and a Wetland and Watershed Special Permit has been submitted for **Lots 11-A-1400 & 1418 (Pilgrim Road)**, located in the Rural District, Wetland and Watershed Protection District Zone, and Aquifer Protection District. The applicant, Karl Dubay of the Dubay Group, Inc., on behalf of the property owner, AWAC Realty Trust, is proposing to subdivide the land area into one (1) standard lot with an existing home sized 229,390 sq. ft. (5.27 acres); two (2) standard lots for single family residential use, sized 168,284 sq. ft. (3.86 acres) and 198,198 sq. ft. (4.55 acres); thirty-two (32) open space single family residential lots ranging in size from 19,979 sq. ft. (.459 acres) to 29,985 sq. ft. (.688 acres); and eight (8) open space lots totaling 3,092,376 sq. ft. (70.99 acres). Two of the standard lots are proposed to be built off of Chestnut Street and a new road with a 2,400' cul de sac length is proposed off of Hawthorne Road to access the open space lots. A written waiver request has been submitted from **Section 605.5 of the Subdivision Regulations**.

Applicant, Mr. Karl Dubay referenced a memo from Attorney Campbell dated September 16, 2015 Re: Highclere Subdivision Review. Mr. Dubay is in agreement with all suggestions made by Attorney Campbell in above referenced memo. Item 1 of the first page of Attorney Campbell's letter reviewed, the plan updated per recommendations. Terminology clarified as suggested by Attorney Campbell. Mr.

Dubay will add suggested language. The open space lot is equally owned by the homeowners, and has been referenced in the plan documents at the top of page 4 in the declaration of open space covenant, restrictions and easements. Mr. Dubay will make all the changes to the existing plan as suggested by Attorney Campbell in his review letter of the plan. Mr. Dubay agreed to obtain conservation commission approval before cutting any trees down.

Ms. Post suggest that the PB agree that all of Attorney Campbell's suggestions be adopted and followed. Review of the documents arrived today and everyone is looking at them for the first time today. Ms. Post is very cautious about making any suggestive revisions to the applicant's documents beyond what Attorney Campbell suggested to be added.

Chairman Carpenter would like to have the amended documents reviewed by Attorney Campbell. Chairman Carpenter asked the PB if they wish to proceed with a conditional approval tonight that the modified documents are reviewed for final approval by Attorney Campbell. Chairman Carpenter wants to assure the language in the plan reflects that conservation commission will have the final say in anything that happens in the open space.

Ms. Crisler believes the PB can proceed with conditional approval subject to Attorney Campbell's review and approval of the applicant's revised documents.

Ms. Wood informed the PB that the AWAC lot line adjustment previously approved in 2012 was not filed at the registry and is set to expire on 9/18/15. Applicant, Mr. Dubay submitted a written request to extend the clock.

Motion by Mr. Gosselin to extend the AWAC lot line adjustment for one year

Second by Mr. Guttman

Vote 6-0-0

Motion carries

Open to public comment, no public comment

Motion by Ms. Crisler to grant a waiver from Sections 605.5 of the *Subdivision Regulations* requiring that side lot lines be perpendicular to the ROW for at least 100ft with the findings that such adjustment of the current lot geometry would result in the loss of open space, and from Section 602.2.5 of the *Subdivision Regulations* requiring that cul-de-sac length may not exceed 1,200ft, and to permit a cul de sac length of 2,565 ft. The reasons for granting the waiver are as follows:

- A secondary access road is not viable due to terrain, impact on wildlife, and/or interference with abutters.
- Access time for public safety responders is not affected
- The terrain is flat and the proposed houses close to the new road, great facilitating access by public safety.
- The developer has stated that he is voluntarily installing sprinklers in each new house to minimize potential life threatening safety concerns.

Second by Mr. Gosselin

Ms. Post asked if the PB can grant a waiver for the cul de sac street length to exceed 2400 feet.

Vote 5-1-0 Chairman Carpenter is not in favor of exceeding the cul de sac length

Motion carries

Motion by Ms. Crisler to approve a Wetland and Watershed Protection District Special Permit (WWPD) for Case#2014-33/Highclere Open Space/Standard Subdivision as presented with the findings that the disturbance would minimize the infringement on the WWPD and wildlife corridor.

Second Ms. St. Laurent

Vote 6-0-0

Motion carries

Motion by Ms. Crisler to Approve Case#2014-33/Highclere Open Space/Standard Subdivision with the following conditions:

1. Revise the plans to show Lot 11-A-1735 to completely encompass the existing driveway.
2. That the open space calculations be revised, to reflect the lot line revision to Lot 11-A-1735. Verify that a minimum of 65% of the total land area remains as open space.
3. The Applicant's voluntary commitment to install automatic alarms (smoke detectors and carbon monoxide detectors) and sprinkler fire suppression systems, per NFPA 13D, in all residences shall be documented on the plan.
4. The trails identified in the map, dated 9/8/15, be established/constructed with the Conservation Commission and marked with granite posts before the lots are sold.
5. That a completed trail map be produced and included with the final plan set and provided to the Conservation Commission.
6. The WWPD Markers be placed before the lots are sold
7. The open space portions marked B-F on the plan will be relabeled as "common land" and not be considered part of the open space requirements for this subdivision
8. All references to a "solar" energy field be removed from the plan and no longer part of this subdivision
9. The Declaration of Open Space Covenants, the Trail easement Document, Homeowner's Document, and Conservation Easement Document all be revised in accordance with Attorney Campbell's letters of 8/31/15 and 9/16/15; upon receipt upon receipt the revised documents shall be provided to Attorney Campbell (by staff) for his review and concurrence with a follow-up compliance hearing by the Planning Board.
10. The conditions noted in Steven B. Keach's letter dated 7/22/15 be addressed and resolved for his review and concurrence.
11. The conditions itemized in Ms. Wood's Staff Report dated 9/11/15 be addressed and resolved for her review and concurrence.
12. That any stones from stone walls disturbed during construction be reused on site.
13. Prior to finalization of Approval, the applicant must furnish a performance guarantee, in an amount and form acceptable to the Community Development Department to serve as financial surety for full and final completion of all planned public infrastructure improvements.

Second by Ms. Post

Vote 5-1-0 Chairman Carpenter opposed to exceeding cul de sac length of 2400 feet

Motion carries

Ms. Post was excused for the remainder of the meeting and Ms. Difruscia was seated for her.

Case#2015-22/London Bridge South Major Subdivision/Design Review/Final Application

A Design Review/Final Application have been submitted for a Major Subdivision for Lots 14-B-2600 and 14-B-3450 (London Bridge Road), located in the Rural District, WWPDP, and Flood Plain District. The applicant, Peter Zohdi of Edward N. Herbert Assoc., Inc., on behalf of the property owner, London Bridge South, Inc., is proposing to subdivide the property into four lots, sized 1.64, 1.81, 2.52, and 43.12 acres, for single family residential development. No new roads are proposed. Waivers are being requested form Sections 601.3.5, 601.3.9, and Section 403.1 of the *Subdivision Regulations*.

Applicant, Shane Gendron, gave an overview of the proposed plan. The plan has been reviewed by Conservation Commission Committee, TRC, and Mr. Keach.

Ms. St. Laurent asked why the right of way is not situated across from Winslow Rd. As the plan is proposed there will be 2 entrances very close to each other on a windy road. Why not have one intersection as opposed to 2 close proximity intersections.

Mr. Gendron replied there is approximately 200 feet separation between the 2 roads in question by Ms. St. Laurent. Mr. Gendron pointed out where Burnham Road extension will be coming in and measure to be about ¼ mile.

Mr. Gosselin has the same question that Ms. St. Laurent posed as above. Mr. Gosselin asked at what point is requesting a waiver just to have a right of way consistently put more roads in that are not necessary. Don't necessarily have to change the lot line to put in a right of way. Mr. Gosselin is concerned that in essence the plan as proposed will make it a 4 way intersection with the intention to plan for a subdivision going forward. Having the staggered roads can be a problem in the future. Mr. Gosselin commented aligning the roads makes more sense than placing a right of way thrown in the middle of nowhere.

Motion to open for public hearing and design review

Second by Mr. Guttman

Vote 6-0-0

Motion carries

Chairman Carpenter concerned about the line of sight if the road is placed directly across from Winslow VS where it is proposed on the plan. Concern for a 4 way stop in that location especially given the speed of 40mph on that road.

Mr. Guttman agrees with Chairman Carpenter with additional concern that there will be more traffic coming from Burnham when it is opened.

Ms. St. Laurent suggested to ask TRC to review about making the access road across from Winslow Rd.

Ms. St. Laurent has some concern about the 2 roads intersecting in such close proximity as shown on the plan.

Motion by Ms. St. Laurent to requests input from highway safety committee on the question of alignment of the access road across from Winslow and their opinion on a 4 2ay stop

Second Ms. Difruscia

Vote 6-0-0

Motion carries

Chairman Carpenter if there are any WWPD concerns with any of the lots.

Mr. Gendron replied there are no WWPD associated with any of the lots

Motion by Ms. Difruscia to continue the Public Hearing to 10/7/15.

The Board requested the following:

- The applicant stated that the ROW has been created to access future residential development that is planned to be proposed on the roughly 36 acres remaining. With more development anticipated, the Board questioned the safety of adding a new street intersection onto London Bridge road such a short distance from existing Winslow Lane.
- The Board asked that staff consult with the Highway Safety Committee regarding the possibility of aligning the newly proposed future ROW with existing Winslow Lane, thus creating a 4-way intersection with the possibility of a 4-way stop when future development occurs.

Second by Mr. Toubia

Vote 6-0-0

Motion carries

Case#2015-21/Estey Minor Subdivision/WWPD/139 Londonderry Rd (1-C-1500)

A Minor Subdivision proposal has been submitted for 139 Londonderry Road (1-C-1500) located in the Rural District and Wetland and Watershed Protection District (WWPD). The applicant, Timothy Winings of TJW Survey, on behalf of the property owner, Charles W. Etsey, is proposing to subdivide the existing lot into two lots; one for the existing residence and two accessory buildings, sized 3.85 acres (167,902 sq. ft.); and another vacant lot sized 3.96 acres (172,261 sq. ft.) for future residential development. A WWPD Special Permit is also being requested for a driveway to access the future residence to be built on proposed lot 1-C-1501. The proposed temporary disturbance to the WWPD for the driveway is 4,000 sq. ft. with a proposed permanent disturbance of 5,800 sq. ft. A written waiver request has been submitted for from the requirements of Section 605.5 of the *Subdivision Regulations*.

Ms. Wood advised the PB they are required to determine if the application is complete. 601.8.3. Requires photographs to be submitted.

Motion by Mr. Gosselin to open for public hearing

Second by Ms. St. Laurent

Vote 6-0-0

Motion carries

Jana Peterson, abutter

- What is 605.5 subdivision regulations, what is the written waiver

Chairman Carpenter explained what the waiver is requesting.

Al Lelis, 133 Londonderry Road, Abutter

Why would you disturb the wetland district when the driveway could be simply moved west

Applicant, Mr. Timothy Winings of TJW Survey, on behalf of the property owner, Charles W. Etsey presented pictures in real time to the PB and staff on computer. Hard copies of pictures not available. Review of plan presented by applicant.

Ms. Difruscia asked for a photograph of where the driveway will be

Applicant confirmed the driveway is not in the wetlands. Closest point is about 30 feet in one area, as pointed out by the applicant on the plan.

Mr. Gosselin referred to Mr. Keach's memo dated September 3, 2015. Mr. Gosselin is very concerned about the impact on wetland.

Mr. Winings reviewed Mr. Keach's memo and agrees on a technical basis but not on a safety basis. The impact is essentially already there, conservation commission did not have an issue with the plan.

Janet Peterson

- Traveling west it seems that moving the driveway west is safer
- Can't see where the existing opening is right now.

Mr. Winings maximized the site distance with his proposed plan.

Ms. Difruscia clarifies that vegetation is being removed.

Ms. Wood read a note from highway safety dated August 4, 2015 on file for this case.

Chairman Carpenter suggested the PB walk the site and look at the proposed driveway

Al Lelis

- The further west you go the safer it is
- Avoid the wetlands issue by moving the driveway west
- There is an existing access point but it is not a justification for not moving the proposed driveway west.

Motion by Mr. Gosselin for the PB to conduct a site walk on September 30, 2015 at 6pm

Second by Mr. Toubia

Vote 6-0-0

Motion carries

Mr. Toubia would like to ask Mr. Keach if he factored in safety concerns regarding line of site with regards to his driveway concerns.

Motion by Mr. Gosselin to continue Case#2015-21/Estey Minor Subdivision/WWPD/139 Londonderry Rd (1-C-1500) to public hearing on October 21, 2015

**Second by Mr. Toubia
Vote 6-0-0**

Motion carries

**Draft minutes Planning Board Minutes July 1 2015 reviewed and amended by Ms. Crisler
Motion by Ms. Crisler to approve minutes as amended
Second by Mr. Gosselin
Vote 6-0-0
Minutes passed**

**Motion by Mr. Gosselin to approve minutes of August 5 as amended
Second by Ms. Difruscia
Vote 5-0-0 Chairman Carpenter abstained, he was not present during the meeting
Minutes approved**

**Motion by Mr. Gosselin to approve minutes of August 12 as amended
Second by Ms. St. Laurent
Vote 5-0-0 Mr. Toubia abstained, he was not present during the meeting
Minutes approved as amended**

**Motion by Mr. Gosselin to approve minutes of August 19 as amended
Second by Mr. Toubia
Vote 3-0-3, Mr. Toubia, Ms. Difruscia, and Chairman Carpenter abstained; they were not at the meeting
Minutes approved as amended**

**Motion to adjourn by Mr. Gosselin
Second by Mr. Guttman
Vote 6-0-0
Adjourned at 9:55pm**

Minutes submitted by Suzanne Whiteford

